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United States District Court
Eastern District of North Carolina
Office of the Clerk
PO Box 25670
Raleigh, North Carolina 27611

Peter A. Moore, Jr.
Clerk of Court

April 23, 2021

Daniel J. Willis
105 Cherry Street
Trenton, NC 28585

RE: Willis v. North Carolina State Board of Elections
Case No: 4:20-cv-230-FL

Dear Mr. Willis:

This letter is in follow-up to your telephone call to the clerk's office requesting that the clerk provide you with a completed summons for defendant Jones County Board of Elections. We are unable to process your request by telephone and the Clerk cannot complete forms for you. In addition, the service deadline has expired as to that defendant.

On 4/21/21 the court entered an order by a text-only docket entry in your case. This order states as follows:

TEXT ORDER - Upon notice by plaintiff that he did not receive the court's March 18, 2021, order, the court **ALLOWS** plaintiff an additional 14 days from date of this order to show good cause for failure to serve summons on defendant Jones County Board of Elections within 90 days of filing of complaint. The court notes that none of the documents filed along with plaintiff's April 19, 2021, letter demonstrate service upon defendant Jones County Board of Elections in case number 4:20-CV-230-FL. Signed by District Judge Louise Wood Flanagan on 4/21/2021. (A copy of this Text Order was sent via US mail this date to Daniel J. Willis, 105 Cherry Street, Trenton, NC 28585.) (Collins, S.) (Entered: 04/21/2021)

In addition, on 4/14/21 the court entered the following Text Order:

TEXT ORDER - The time in which plaintiff was directed to show good cause under Federal Rule of Civil Procedure 4(m) has passed. Even construing his most recent filing DE 27 as responsive to the court's March 18, 2021, order, plaintiff has not shown good cause for his failure to timely serve summons and complaint on defendant Jones County Board of Elections. Therefore, pursuant to Rule 4(m), the court, having given notice to plaintiff, **DISMISSES WITHOUT PREJUDICE** plaintiff's claims against defendant Jones County Board of Elections. The clerk is **DIRECTED** to terminate defendant Jones County Board of Elections as a defendant to this action. Signed by District Judge Louise Wood Flanagan on

4/14/2021. (A copy of this Text Order was sent via US mail to Daniel J. Willis, 105 Cherry Street, Trenton, NC 28585.) (Collins, S.) (Entered: 04/14/2021)

Finally, on 3/18/21 the court entered the following Text Order:

TEXT ORDER - Noting that the 90-day deadline under Federal Rule of Civil Procedure 4(m) for service of summons on defendant Jones County Board of Elections has passed, the court DIRECTS plaintiff to show good cause for this failure within 14 days of this order. See also *Bolden v. City of Topeka*, 441 F.3d 1129, 1148 (10th Cir. 2006) (explaining that the "period provided by Rule 4(m) is not restarted by the filing of an amended complaint except as to those defendants newly added in the amended complaint"); 4B Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1137 (4th ed. 2008). Plaintiff's filing of proof of service of summons when that summons was not issued or signed by the clerk of court is not valid. See Fed. R. Civ. P. 4(a)(1)(F), (b). Signed by District Judge Louise Wood Flanagan on 3/18/2021. (A copy of this Text Order was sent via US mail to Daniel J. Willis, 105 Cherry Street, Trenton, NC 28585.) (Collins, S.) (Entered: 03/18/2021)

The court did not write the orders on a separate document. This entries *are* the orders of the court. As explained in Section V(I)(2) of the Eastern District of North Carolina's Case Management/Electronic Case Filing Policy Manual, the text-only entry is the court's only order on the matter, and a *docket text order is official and binding*.

If you need additional information, you may refer to the policy manual, which is posted on the district's website at <http://www.nced.uscourts.gov/pdfs/cmecfPolicyManual.pdf>. You may also review the policy manual on file at the Clerk's Office. Thank you for your attention to this matter.

Sincerely,

/s/ Sandra K. Collins

Sandra K. Collins
Deputy Clerk